

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No. 8:09-cv-00087-VMC-CPT

ARTHUR NADEL;
SCOOP CAPITAL, LLC;
SCOOP MANAGEMENT, INC.

Defendants,

SCOOP REAL ESTATE, L.P.;
VALHALLA INVESTMENT PARTNERS, L.P.;
VALHALLA MANAGEMENT, INC.;
VICTORY IRA FUND, LTD.;
VICTORY FUND, LTD.;
VIKING IRA FUND, LLC;
VIKING FUND, LLC; AND
VIKING MANAGEMENT, LLC,

Relief Defendants.

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**UNOPPOSED MOTION FOR WITHDRAWAL OF FORMER
ATTORNEYS OF JAMES HOYER, P.A. AS COUNSEL FOR THE RECEIVER**

Pursuant to Middle District of Florida Local Rule 2.03(b), this motion is being filed to request an order permitting former attorneys of the law firm of James Hoyer, P.A., specifically, Jonathan Betten Cohen, Megan Elizabeth Davis, and Terry Alan Smiljanich, to withdraw as counsel of record for Burton W. Wiand, as Receiver (the "Receiver"). Mr. Cohen, Ms. Davis, Mr. Smiljanich, and several other attorneys entered appearances in this case as counsel for the Receiver. The withdrawing counsel represented the Receiver in connection with litigation involving Wells Fargo N.A. and affiliates. That litigation has since concluded. Moreover, Mr. Cohen and Ms. Davis have left James Hoyer, P.A. to join other law firms, and Mr. Smiljanich has

retired from the active practice of law. Accordingly, Mr. Cohen, Ms. Davis, and Mr. Smiljanich will no longer be representing the Receiver or otherwise involved in this case. However, other counsel of record, including attorneys from the law firm Wiand Guerra King PA, will continue to represent the Receiver in this matter.

Pursuant to Local Rule 2.03(b), 10 days' notice of Mr. Cohen's, Ms. Davis', and Mr. Smiljanich's intent to withdraw was provided to the Receiver, as well as to counsel for the Securities and Exchange Commission (the "SEC"). Neither the Receiver nor the SEC object to the withdrawal.

WHEREFORE, the undersigned respectfully requests that this Court grant the withdrawal of Mr. Cohen, Ms. Davis and Mr. Smiljanich as counsel of record for the Receiver.

Respectfully submitted,

s/ Jesse L. Hoyer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 20, 2019, I filed the foregoing with the Court's CM/ECF system, which will send electronic notices of filing to counsel of record.

s/ Jesse L. Hoyer

Attorney